

**ZONING BOARD OF APPEALS  
WINDHAM, CT**

**MINUTES**

**Dec. 3, 2009**

The Zoning Board of Appeals held its meeting on December 3, 2009 in the Meeting Room, Town Hall. Acting Chairman Robert Coutu called the meeting to order at 7:05 P.M. Members present were Jose Cruz, Al Beaulieu, Robert Coutu, Susan Fiegel-Rapp and new members Andrew Gibson and Robert Wolf. Also present were Town Planner James Finger and Code Enforcement Officer Matthew Vertefeuille.

Acting Chairman Coutu welcomed the new members to the Board and stated that this evening's meeting is of an informational nature.

**1) Election of Officers**

Chairman – Robert Coutu nominated by Robert Wolf and seconded by Al Beaulieu.

Vice-Chairman – Al Beaulieu nominated by Susan Fiegel-Rapp and seconded by Robert Wolf.

The Board voted unanimously on both nominations.

**2) Routine Business**

- a) The secretary read into the record a memo from Chairman Robert Coutu containing general information pertaining to policies. Since we have new members, Coutu said he felt it would be a good opportunity to discuss some general policy questions. With respect to voting policies, there has been confusion in the past when we only have 4 Board members present, and there is either a request from the applicant, or the Town Planner, to continue the hearing until the next meeting when more Board members are expected. It has been a long-standing practice to ensure that the applicant has an opportunity for a fair hearing before a full board, and to let them know that they have the right to go forward with the hearing with only 4 members to vote on their application, said Coutu. They are also instructed that the application would need 4 affirmative votes (for approval) if they choose to proceed with only four members.

In the past, some members have said that the applicant should be told in advance of their right to delay the hearing, and decide whether they want to proceed with 4 members or not. He said he doesn't think this is fair or realistic because in many cases the applicant comes to us for what they feel is an urgent hardship. They often don't understand the consequences of pushing for the vote.

He said it is our responsibility to protect the applicant from compromising him/herself. Our job is to consider how the rules may not fit their situation, and whether it creates a unique hardship, or some practical difficulty, on a particular property. We have a duty to look out for people on all sides of the situation, and we should try our best to be fair to everyone. In some cases it may be best to just deny the application, and refer the applicant to the Zoning Commission to request changing the rules when their proposal may have a broader impact,

With respect to participation and voting, all members are urged to participate during the hearing. However, after the hearing is closed, only the full members may discuss the matter and vote on the application. If a full member is absent, then an alternate member will be designated as a voting member. Coutu urged all Board members to plan ahead for meetings and to be present to vote

He then referred to Robert's Rules of Order for small groups. He said the chairman may close the public hearing, but may postpone action until later in the evening, or to the next meeting. He said occasionally the Board approves an application and attaches conditions of approval. How do we know that these conditions are being adhered to, he asked? Code Enforcement Officer Matt Vertefeuille said it is his responsibility to check on that when they come in for their Certificate of Occupancy.

Chairman Coutu added that member's cell phones should be turned off during the meeting, and texting during the meeting is prohibited.

- b) The minutes of November 5, 2009 were approved. Motion by Al Beaulieu, seconded by Jose Cruz. Voting in favor were Al Beaulieu, Jose Cruz and Robert Coutu. Susan Fiegel Rapp abstained as she was not present at the meeting. Andrew Gibson and Robert Wolf also abstained as they were not on the Board at the time. So voted.
- c) Action on the minutes of November 12, 2009 was deferred until the next meeting. Motion by Al Beaulieu, seconded by Jose Cruz. Voting in favor of the motion were Al Beaulieu, Jose Cruz, and Robert Coutu. So voted.
- d) It was determined that the Board will continue to meet on the first Thursday of each month at 7:00 P.M. in Town Hall.
- e) Planner Finger advised that the cost of an application is \$635.00 including the advertising costs, and recording a Notice of Action for the approval is now \$53.00.

As there was no other business, Al Beaulieu made a motion to adjourn and Susan Fiegel-Rapp seconded the motion. So all voted in favor, and the meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Lillian Murray, Clerk